

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV102-1-MU**

MONTAVIOUS A. JOHNSON-EL,

Petitioner,

Vs.

ROY COOPER,

Respondent.

ORDER

THIS MATTER comes before the Court upon the Petitioner's Motion for Discovery (Doc. No. 9), filed April 16, 2009; and Plaintiff's Motion for Extension of Time (Doc. No. 8), also filed April 16, 2009.

Petitioner seeks discovery to obtain the disciplinary records of a fellow inmate who was also charged in the prison incident which forms the basis for his Petition. Discovery is extremely limited in a federal habeas proceeding. See Bracy v. Gramley, 520 U.S. 899 (1997). For the reasons set forth in Respondent's Response to Plaintiff's Motion for Discovery, this Motion is denied.

Petitioner has also requested a thirty day extension of time in which to respond to Respondent's Motion for Summary Judgment. For good cause shown, Petitioner's motion for an extension of time is granted.

THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's Motion for Discovery is **DENIED**; and

2. Petitioner's Motion for Extension of Time is **GRANTED** and he has until June 18, 2009, to respond to Respondent's Motion for Summary Judgment.

Signed: April 23, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

